IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.6415 OF 2005
IN
FIRST APPEAL NO.2279 OF 2005

M/s.Jaya Stone Industries ...Applicant
Vs.
Maharashtra State Electricity Board ...Respondent

Mr.J.S.Chandnani for the Applicant
Ms A.R.S.Baxi for the Respondent.

CORAM: A.S.OKA, J.
DATED: APRIL 19,2006.

P.C.:

1. Rule. Respondent waives service. The Applicant is the original Plaintiff. The challenge in the suit filed by the Appellant-Plaintiff was to a bill issued by the Respondent claiming electricity charges of Rs.6,63,440.16 Ps. The suit filed by the Appellant has been dismissed. It is an admitted position that out the demand made, the Applicant has paid a sum of Rs.1,32,000/- to the Respondent. It is also an admitted position that thereafter an amount of Rs.1,99,050/- has been deposited by the Applicant in this Court on the basis of the order dated 28th February 2006 passed by this Court. Thus, there is a deposit of about 50% of the amount by the Appellant/Applicant. Balance 50% of the amount will have to be secured, if the Applicant wants interim relief restraining the respondent from disconnecting the electricity supply. For that purpose, a reasonable time can be granted to the Applicant. The Applicant will have to furnish a bank guarantee of any nationalised bank in the sum of

Rs.3,30,000/- within a period of eight weeks from today.

2. Hence I pass the following order :

i) Till the final disposal of the Appeal, the Respondent is retrained from disconnecting the electricity supply to the factory of the Appellant subject to the following conditions:

a) The Applicant will furnish a bank guarantee of any nationalised bank in the sum of Rs.3,30,000/- to this Court within a period of eight weeks from today; and

b) The Applicant will keep on paying regularly and punctually the regular bills issued by the Respondent for electricity charges.

ii) The Respondent is permitted to withdraw the sum of Rs.1,99,050/- deposited by the Applicant in this Court subject to filing an undertaking in this court to redeposit the said amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

. Civil Application is disposed of in above terms.

Judge.